UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,938	01/26/2001	Mark Alexander Barros	PT03398U	6144

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EXAMINER
NGUYEN, TAM V

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 05/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 January 2001</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2* .	6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-24 are pending in this office action. Claims 1-24 are presented for

examination. This office action is in response to filing dated on 01/26/01.

Information Disclosure Statement

2.   The references cited in the IDS, 1449, Paper No. 2, have been considered.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-8 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over DeLorme et al. (US 6321158B1).

With respect to claims 1 and 19, DeLorme discloses combining your Palm

Computing organizer with DeLorme's GPS receiver gives you dynamic maps and Route

Directions that you can follow as you travel. As you progress from your Start to Finish,

your position is indicated on the may and the next road you'll be traveling is highlighted

in the Directions list. In addition, Solus Pro displays your next route change and

indicates how far away it is in distance and time-your organizer will even beep 60

seconds before your next turn, (col. 18, lines 59-68) as *step of determining a position*

of a user with a zone. A typical operation or program can begin on the multimedia side

209 with user entry of one or more points of interest (POIs) selected by the user

inputting individual POIs or by databases searches, sorting for specific predefined types

of POI, related characteristics, or linked data or information using the underlying GIS

201. In FIG. 2, to set up a presentation of multimedia place information, the user can

perform individual or manual POI input at step 243. For example, a vacation traveler

can request multimedia information on two or three popular resort locations

recommended by friends, ads or travel articles by using well known data entry methods

such as keying in the resort names, or nearest place name, or geographic coordinates.

This system 200 is further able to locate individual POIs for input is enabling a user to

select from list of place names, or through linked phone exchange, zip code or

geographic coordinate data. The user can engage in manual input of individual POIs by

clicking at points, symbols or place name on the map display, (col. 30, lines 27-46) as

step of *sorting data records, wherein said data records are associated with a*

related zone. DeLorme dos not explicitly teach: *wherein sorting is according to*

proximity of said related zone of said data records in relation to said position of

the user. However, as taught by DeLorme, the system also enables to generation and

modification of lists of POI inputs by various methods for database searching and

sorting well known in the art of computer programming. In a typical usage of the

system, the multimedia mode of operation of the invention is invoked at C, deploying the

command and user option arrangements illustrated in FIG. 3. POI inputs are transferred

and transformed within the interaction block 207 into the multimedia subsystem 209 in

the form of a list of POIs found in proximity to a route previously computed, as revealed

at 303 and detailed hereafter in relation to FIGS. 5, 6A & 6B. Step 303 deals with

output from a previous operation of routing, transferred from the routing subsystem and

transformed into multimedia input for processing, subject of the user options and

command organization shown in FIG. 3. In this fashion, the user is enabled to

selectively experience multimedia information about locations and points of interest

along the way or within a user-defined region around, i.e., circumscribing an optimal

route already computed. Steps 309, 315 and 325 enable the user to return to and

modify the previous route or travel plan output which changes typically based on the

user's responses to an intervening IRMIS system multimedia presentation, (col. 44,

lines 32-50). Thus, the searching results can be sorted by proximity of the related user

position. Therefore, it would have been obvious for one of ordinary skill in the art at the

time the invention was made to modify DeLorme by including sorting is according to

proximity of said related zone of said data records in relation to said position of the user

in order to modify travel routes can be previewed with further multimedia travelogs until

a satisfactory travel route is achieved, (col. 1, lines 47-49).

As to claims 2, 20 and 24, DeLorme further discloses resorting said data record

upon change in said position of the user, (col. 18, lines 59-68).

As to claim 3, DeLorme further discloses dynamically detecting said change

position of the user, (col. 18, lines 59-68); resorting said data record upon a change is

said position of the user to within another zone, (col. 18, lines 59-68); resorting upon

detecting a change in said position of the user to a new zone, (col. 74, lines 43-63);

resorting upon receiving a resort request, (col. 74, lines 43-63); resorting upon receiving

a resort request from the user, (col. 74, lines 43-63); polling a device associated with the user to determine said change in the position of the user, (col. 74, lines 43-63).

As to claim 4, DeLorme further discloses determining said zone of said position of the user, (col. 18, lines 59-68); receiving said position of the user, (col. 18, lines 59-68); and polling a device associated with the user to determine said position of the user, (col. 74, lines 43-63).

As to claim 5, DeLorme further discloses items on a shopping list, wherein said zone comprises at least on of an aisle and a floor in a store, (col. 74, lines 43-63); items slated for delivery comprising at least one of mail and package, (col. 71, lines 45-64); radio stations, wherein zones comprises a geographic are, (col. 12, lines 63-col. 13, lines 8); attractions at a theme park, wherein said zones comprises at least one of events rides, restaurants, and buildings of said theme park, (col. 74, lines 43-63).

As to claim 6, DeLorme further discloses sorting said data record based on a sorting index, (col. 44, lines 30-43); and sorting said data records based on another sorting index, (col. 44, lines 30-43).

As to claim 7, DeLorme further discloses cost, (col. 37, lines 61-63); times (col. 35, lines 25-26); duration, (col.35, lines 25-26); distance, (col. 35, lines 25-26); alphabetical order, (col. 50, lines 45-49); wait time (col. 10, lines 31-33).

As to claim 8, DeLorme further discloses a user identifiable zone, (col. 18, lines
59-68); and a non-user identifiable zone, (col. 18, lines 59-68).

With respect to claims 21 and 23, DeLorme discloses combining your Palm
Computing organizer with DeLorme's GPS receiver gives you dynamic maps and Route
Directions that you can follow as you travel. As you progress from your Start to Finish,
your position is indicated on the may and the next road you'll be traveling is highlighted
in the Directions list. In addition, Solus Pro displays your next route change and
indicates how far away it is in distance and time-your organizer will even beep 60
seconds before your next turn, (col. 18, lines 59-68) as step of a *position detector
operative to determining a position of a user within a zone.* DeLorme dos not
explicitly teach: *proximity sorter operative to sort data records according to
proximity to said position of the user.* However, as taught by DeLorme, the system
also enables to generation and modification of lists of POI inputs by various methods for
database searching and sorting well known in the art of computer programming. In a
typical usage of the system, the multimedia mode of operation of the invention is
invoked at C, deploying the command and user option arrangements illustrated in FIG.
3. POI inputs are transferred and transformed within the interaction block 207 into the
multimedia subsystem 209 in the form of a list of POIs found in proximity to a route
previously computed, as revealed at 303 and detailed hereafter in relation to FIGS. 5,
6A & 6B. Step 303 deals with output from a previous operation of routing, transferred

from the routing subsystem and transformed into multimedia input for processing,

subject of the user options and command organization shown in FIG. 3. In this fashion,

the user is enabled to selectively experience multimedia information about locations and

points of interest along the way or within a user-defined region around, i.e.,

circumscribing an optimal route already computed. Steps 309, 315 and 325 enable the

user to return to and modify the previous route or travel plan output which changes

typically based on the user's responses to an intervening IRMIS system multimedia

presentation, (col. 44, lines 32-50). Thus, the searching results can be sorted by

proximity of the related user position. Therefore, it would have been obvious for one of

ordinary skill in the art at the time the invention was made to modify DeLorme by

including proximity sorter operative to sort data records according to proximity to said

position of the user in order to modify travel routes can be previewed with further

multimedia travelogs until a satisfactory travel route is achieved, (col. 1, lines 47-49).

As to claim 22, DeLorme further discloses a proximity resorter operative to resort

said data records upon a change in said position of the user, (col. 18, lines 59-68).

5.   Claims 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Stilp et al. (US 6519465B2) in view of Wakabayashi et al. (US 5794222).

With respect to claim 9, Stilp discloses the AP's 14 are responsible for managing

all of the resources in the Wireless Location System, including all of the SCS's 10 and

TLP's 12. Each AP 14 also contains a specialized database that contains "triggers" fir

the Wireless Location System. In order to conserve resources, the Wireless Location

System can be programmed to located only certain pre-determined types occurs, when

the Wireless Location System is triggered to begin location processing. Otherwise, the

wireless Location System may be programmed to ignore the transmission. Each AP 14

also contains applications to securely access the Wireless Location System. These

applications may, for example, access location records in real time or non-real time,

create or delete certain type of trigger, or cause the Wireless Location System to take

other actions. Each AP 14 is also capable of certain post-processing functions that

allow the AP 14 to combine a number of location records to generate extended reports

or analyses useful for applications such as traffic monitoring or RF optimization, (col. 6,

lines 53-col. 7, lines 6) as step of ***a processor operative to access a plurality of***

records an position information.

Stilp discloses Location Record Group, Sorting, and Labeling-The Wireless

Location System include means to post-process the location records for certain

requesting applications to group, sort, or label the location records, (col. 49, lines 49-

53). However, Stilp does not teach ***wherein the processor is operative to sort said***

plurality of records based on a first detected position. Wakabayashi teaches the

sorting machine 12 serving, as the data-reading device as explained above is structure

as shown in FIGS. 4 and 5. having in order form the right to left (with reference to FIG.

4) a mail-receiving tray 26. A sorting (by size) part 27 for separating oversize mails form

regular size mails, an aligning-stamping part 28 having at the same place both an

aligning unit 18A (shown in FIG. 5) for aligning collected mails a and a stamping unit

18B (shown in FIG5) for date-stamping them, a reading part 29 for using an image

processor or a bar code reader to detect a stamped image and a postal zone number,

and a classifier 30 for automatically sorting the mails A according to the detected postal

zone number, (col. 4, lines 1-14) as step of **wherein the processor is operative to**

sort said plurality of records based on a first detected position. Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to modify the sorting record in Stilp by including the processor is operative to sort said

plurality of records based on a first detected position as taught in Wakabayashi. By

doing so, the system can be detected fraud easily by matching data retrieved, (col. 2,

lines 18-22).

As to claim 10, Stilp discloses Location Record Group, Sorting, and Labeling-The

Wireless Location System include means to post-process the location records for

certain requesting applications to group, sort, or label the location records, (col. 49, lines

49-53). However, Stilp does not teach **wherein said processor is further operative**

to resort said records based on a second detect position. Wakabayashi teaches

the sorting machine 12 serving as the data-reading device as explained above is

structure as shown in FIGS. 4 and 5. having in order form the right to left (with

reference to FIG. 4) a mail-receiving tray 26. A sorting (by size) part 27 for separating

oversize mails form regular size mails, an aligning-stamping part 28 having at the same

place both an aligning unit 18A (shown in FIG. 5) for aligning collected mails a and a

stamping unit 18B (shown in FIG5) for date-stamping them, a reading part 29 for using

an image processor or a bar code reader to detect a stamped image and a postal zone

number, and a classifier 30 for automatically sorting the mails A according to the

detected postal zone number, (col. 4, lines 1-14) as step of **wherein the processor is**

operative to sort said plurality of records based on a first detected position.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the sorting record in Stilp by including the processor is

operative to sort said plurality of records based on a first detected position as taught in

Wakabayashi. By doing so, the system can be detected fraud easily by matching data

retrieved, (col. 2, lines 18-22).

As to claim 11, Stilp further discloses a detector operative to detect a change in

position of a user device, (col. 15, lines 15-49).

As to claim 12, Stilp further discloses a positioning device, (col. 37, lines 33-51);

a global positioning system, (col. 37, lines 33-51); a receiver operative to receive

position information, (col. 37, lines 33-51); three or more receivers operative to detect

be triangulating said position, (col. 37, lines 33-51).

As to claim 13, Stilp further discloses a transmitter operative to transmit said

change position of said user device, (col. 37, lines 33-51).

As to claim 14, Stilp further disclose a storage device operative to store and retrieve said record and position information, (col. 6, lines 53-68).

As to claim 15, Stilp further disclose a zone detector operative to receive zone information, (col. 35, lines 36-42).

As to claim 16, Stilp further discloses wherein said zone detector is responsive to said zone information wherein said zone information is externally definable, (col. 35, lines 36-42).

As to claim 17, Stilp further discloses a user signal, (col. 28, lines 33-63); a network signal, (col. 28, lines 33-68).

As to claim 18, Stilp further discloses a user input signal, (col. 28, lines 33-63); a network signal, (col. 28, lines 33-63); a position detector, (col. 18, lines 35-63); a user identifiable zone, (col. 18, lines 35-63); and a non-user identifiable zone, (col. 18, lines 35-63).

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shaffer et al. (US 6385312B1) shows automatic routing and information system for telephonic services.

Liu et al. (US 6405040B1) shows implementing and selecting between virtual private wireless telecommunications networks.

Gurevich (US 6499036B1) shows method and apparatus for data item movement between disparate sources and hierarchical, object-oriented representation.

Burrows (US 6317741B1) shows technique for ranking records for a database.

Contact Information

7.   **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

8.   **Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam V Nguyen whose telephone number is (703) 305-3735. The examiner can normally be reached on 7:30AM-5: 00PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Yen Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for formal communications and (703) 746-7240 for informal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Virginia 22202. Fourth Floor (Receptionist).

9.   Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TV:tv

05/15/03

SHAHID AL ALAM
PRIMARY PATENT EXAMINER